

**REMARKS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance.

Claims 1-34 are pending. Claims 1-3, 5-15, 17-23 and 28-34 are amended, without prejudice. No new matter is added by these amendments. Support for the amended recitations in the claims is found throughout the specification, for example on page 35, lines 25-29 and page 36, lines 3-16.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, and the remarks that follow are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes and remarks are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

The Examiner objected to the specification. Specifically, the Examiner indicated that the lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. The specification has been amended herein to correct for any minor errors.

Claims 1, 3-6, 9-17, 19-22 and 28-30 were rejected under 35 U.S.C. 102(e) allegedly as being anticipated by Gerszberg et al. (U.S. Patent No. 6,222,520 B1). Applicants disagree.

Claim 1, recites in part, “A communication service-method comprising...superposing a first image signal transmitted from an arbitrary one of said plurality of communication terminal apparatus utilized by a first user with a second image signal of arbitrary selling goods, said second image being offered directly by said first user to a second user of said plurality of communication terminal apparatus...” (Underlining and Bold added for emphasis.)

It is respectfully submitted that the portions of Gerszberg relied upon by the Examiner do not teach nor enable at least the above-recited feature of claim 1.

Gerszberg relates to a video phone that offers a flexible platform which gives a user the ability to place phone calls while offering services that are advanced, such as, e-mail, Internet access, advertising, etc. (column 2, lines 25-37). However, Gerszberg does not disclose a second superimposed image being offered directly by a first user to a second user utilizing a communication terminal apparatus, as instantly claimed. As a result, the present invention gives a first user an option of selecting certain desired advertisements and allowing the first user (not the advertising company) to forward such desired advertisements to a second user. For example, the first user acts as an “agent” or seller of the advertisement in this communication service method. Therefore, the instant claims are believed to be distinguishable from Gerszberg for at least the reasons stated above.

For reasons similar to those described above, claims 14, 28 and 29 are also believed to be distinguishable from Gerszberg.

Claims 3-6, 9-13, 15-17, 19-22 and 30 depend from one of claims 1, 14, 28 and 29 and, due to such dependency, are also believed to be distinguishable from Gerszberg for at least the reasons previously described.

Applicants therefore respectfully request that the rejection of claims 1, 3-6, 9-17, 19-22 and 28-30 under 35 U.S.C. §102(e) over Gerszberg be withdrawn.

Claim 2 was rejected under 35 U.S.C. 103(a) allegedly as being unpatentable over Gerszberg et al. Applicants disagree.

Claim 2 depends from claim 1 and, due to such dependency, is also believed to be distinguishable over Gerszberg for at least the reasons previously described. Therefore, claim 2 is believed to be distinguishable over Gerszberg.

Applicants therefore respectfully request that the rejection of claim 2 under 35 U.S.C. §103(a) be withdrawn.

Claims 7, 8, 18 and 31-34 were rejected under 35 U.S.C. 103(a) allegedly as being unpatentable over Gerszberg et al. in view of Ebisawa (U.S. Patent No. 5,946,664).

Applicants disagree.

Claims 7, 8, 18 and 31-34 depend from one of claims 1, 14, 28 and 29 and, due to such dependency, are also believed to be distinguishable over Gerszberg for at least the reasons previously described. The Examiner did not rely on Ebisawa to overcome the above-identified deficiencies of Gerszberg. Therefore, claims 7, 8, 18 and 31-34 are believed to be distinguishable over the applied combination of Gerszberg and Ebisawa.

Applicants therefore respectfully request that the rejection of claims 7, 8, 18 and 31-34 under 35 U.S.C. §103(a) be withdrawn.

Claims 23-27 were rejected under 35 U.S.C. 103(a) allegedly as being unpatentable over Gerszberg et al. in view of Murray (U.S. Patent No. 6,061,659). Applicants disagree.

Claim 23, recites in part, “A communication terminal apparatus...comprising...  
**said second image being offered directly by said first user to a second user of said plurality of communication terminal apparatus...**” (Underlining and Bold added for emphasis.)

It is respectfully submitted that the portions of Gerszberg and Murray relied upon by the Examiner do not teach, suggest or motivate a skilled artisan to practice at least the above-recited feature of claim 23.

In explaining the above 103(a) rejection with regard to claim 23, the Examiner conceded that Gerszberg does not teach “including means for positioning the second image on the first image.” In an attempt to overcome this deficiency, the Examiner apparently relies on Murray to teach such feature. In particular, the Examiner appears to rely on Figs. 5a and 5b of Murray.

Murray, however, does not remedy the defects in Gerszberg. Murray relates to a method and system for automatically integrating a predetermined message into a selected graphical environment (column 1, lines 5-10). However, Murray does not teach or suggest a second superimposed image being offered directly by a first user to a second user utilizing a communication terminal apparatus, as instantly claimed. As a result, the present invention gives a first user an option of selecting certain desired advertisements and allowing the first user (not the advertising company) to forward such desired advertisements to a second user. For example, the first user acts as an “agent” or seller of the advertisement in this communication service method. Therefore, the instant claims are believed to be distinguishable from Murray for at least the reasons stated above.

Claims 24-27 depend from claim 23 and, due to such dependency, are also believed to be distinguishable over the applied combination of Gerszberg and Murray for at least the reasons previously described.

Applicants therefore respectfully request that the rejection of claims 23-27 under 35 U.S.C. §103(a) over Gerszberg and Murray be withdrawn

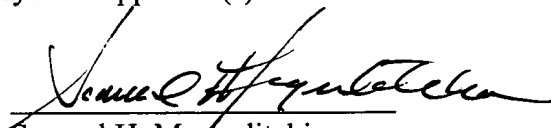
The Examiner has apparently made of record, but not relied upon, a number of documents. The applicants appreciate the Examiner's explicit finding that these documents, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant(s)

By:   
Samuel H. Megerditchian  
Reg. No. 45,678  
(212) 588-0800